

C. Remarks

The claims are 74-77, with claim 74 being independent. Claim 74 has again been amended for clarification. New claim 77 has been added. Support for this claim may be found in Example 5. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 74-76 stand rejected 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner continues to allege that the specification as originally filed does not support the range of the side lengths of square sections and the absence of walls partitioning the sections.

Specifically, the Examiner acknowledged that the specification teaches square sizes of 500 microns and 1.2 and 6 mm, but indicated that side lengths of squares are not disclosed. These comments by the Examiner, however, are not well-understood.

The size of the square discussed in the specification is its side length. There is no other plausible explanation for the term “square size” given the recited units. Furthermore, the specification clearly indicates how the sizes of spots are related to the side lengths of the squares (via density) and that up to 3600 spots may be placed, which results in square sizes up to about 6mm (page 34, lines 7-15). The relationship among the square size, spot width and density has been highlighted by Applicants in the previous response merely to show that the specification provides a clear indication to one of skill in the art that Applicants had possession of the claimed square size range at the time the application was filed. Thus, the specification clearly teaches a range capping at about 6 mm and not merely a collection of possible side lengths.

With respect to the absence of partitioning walls, Example 5 clearly indicates that these walls are not present. The method for forming the array is disclosed, i.e., a glass substrate is treated to have a maleimide group on its surface in accordance with Example 3, and then the DNAs are deposited in square sections. Clearly, this does not result in the formation of partitioning walls. If the Examiner wishes to continue to allege that the substrate in Example 5 has a partitioning wall, the Examiner should specifically point out where and how such a wall is formed by the method disclosed in this Example.

The Examiner also alleged that Example 5 discloses only one square. However, this Example clearly refers to Fig. 7 (as amended), which shows 64 square sections.

In view of the above, it is clear that the present claims are clearly supported by the original disclosure. Therefore, withdrawal of the above rejection is respectfully requested.

Claims 74-76 also stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. In particular, the Examiner alleged that it is still unclear that each square section has the recited side length.

To expedite prosecution, Applicants have further amended claim 74 for clarification. Accordingly, the indefiniteness rejection should be withdrawn.

Claims 74-75 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,700,637 (Southern) or U.S. Patent No. 5,807,522 (Brown). The grounds of rejection are again respectfully traversed.

In the Advisory Action issued on February 22, 2007, the Examiner alleged that the Amendment After Final Rejection does not address where Southern teaches partitioning walls. This, however, is not accurate. The Amendment After Final Rejection states that Southern is directed to a conventional testing method in which probes are placed in wells and then the material to be analyzed is loaded into the wells. Also, the Amendment states that wells are necessarily separated from each other by partitioning walls, since each well has walls by definition. Thus, since Southern discloses wells, these wells are necessarily separated from each other by walls.

With respect to Brown, the Examiner alleged that this reference teaches arrays with no walls at column 9, lines 30-45, and at column 12, lines 1-36. Applicants respectfully disagree.

The disclosure at column 9, lines 30-45, refers only to the flatness within each region, not the flatness of the area between the regions. There is no disclosure or suggestion to form a structure with no partitioning walls, particularly since Brown specifically teaches throughout its disclosure separating each region by grid lines, which “extend above the surface”. In fact, these grid lines are specifically taught at column 12, lines 1-36, which was identified by the Examiner, and are shown in Fig. 11 (reference number 132).

Thus, Applicants again respectfully submit that the cited references, whether considered separately or in combination fail to disclose or suggest all of the presently claimed elements. Wherefore, withdrawal of the anticipation rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

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